

CHRISTOPHER CHIOU
Acting United States Attorney
Nevada Bar Number 14853
JIM W. FANG
Assistant United States Attorney
501 Las Vegas Blvd. South, Ste. 1100
Las Vegas, Nevada 89101
Phone: 702-388-6317
Email: jim.fang@usdoj.gov
Attorneys for the United States of America

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,

Plaintiff,

v.

EMELIO ROCHESTER,

Defendant.

Case No. 2:20-mj-00902-DJA

**ORDER to Continue the Preliminary
Hearing (Seventh Request)**

It is hereby stipulated and agreed, by and between Christopher Chiou, Acting United States Attorney, through Jim W. Fang, Assistant United States Attorney, and Daniel Hill, Esq., counsel for Defendant Emelio Rochester, that the preliminary hearing in the above-captioned matter for Barber, previously scheduled for October 18, 2021, at 4:00 p.m., be vacated and continued until a time convenient to the Court, but no earlier than November 10, 2021.

1. Federal Rule of Criminal Procedure Rule 5.1(d) provides that “[w]ith the defendant’s consent and upon a showing of good cause—taking into account the public interest in the prompt disposition of criminal cases—a magistrate judge may extend the time limits [for preliminary hearings] one or more times.” Here, the parties desire to explore the

1 potential to resolve this matter before defendant is formally charged by a criminal
2 indictment.

3 2. In that regard, the government has provided defense counsel with Rule 16
4 discovery in order to facilitate pre-indictment resolution, and the parties have been in active
5 plea negotiations. The parties are very close to a resolution, and have agreed to seek one
6 more continuance in a final push to resolve this matter pre-indictment.

7 3. This continuance is not sought for the purposes of delay, but to allow the
8 parties to reach a potential resolution before the government moves forward with further
9 prosecution.

10 4. Defendant is not in custody and agrees to the continuance.

11 5. Denial of this request could result in a miscarriage of justice, and the ends of
12 justice served by granting this request outweigh the best interest of the public and the
13 defendants in a speedy trial.

14 6. The additional time requested by this stipulation is excludable in computing
15 the time within which indictment must be filed pursuant to the Speedy Trial Act, 18 U.S.C.
16 § 3161(b), and considering the factors under 18 U.S.C. § 3161(h)(7)(A) and (B)(i) and (iv).

17 DATED this 15th day of October, 2021.

18 CHRISTOPHER CHIOU
19 Acting United States Attorney

20 s/ Jim W. Fang
JIM W. FANG
21 Assistant United States Attorney
Counsel for the United States

s/ Daniel Hill
DANIEL HILL, ESQ.
Counsel for Defendant Rochester

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,

Plaintiff,

v.

EMELIO ROCHESTER,

Defendant.

Case No. 2:20-mj-00902-DJA

FINDINGS AND ORDER

Based on the pending Stipulation between the defense and the government, and good cause appearing therefore, the Court hereby finds that:

1. The parties desire to continue the preliminary hearing to facilitate pre-indictment resolution. The government has provided defense counsel with Rule 16 discovery for that purpose, and the parties are in active plea negotiations. The parties are very close to a resolution, and have agreed to seek one more continuance in a final push to resolve this matter pre-indictment. The Court finds good cause to continue the hearing to allow the parties to reach a pre-indictment resolution.

2. Both counsel for defendant and counsel for the government agree to the continuance.

3. Defendant is not in custody and agrees to the continuance.

4. The continuance is not sought for the purposes of delay, but to allow the parties to reach a potential resolution before the government moves forward with further prosecution.

1 5. Denial of this request could result in a miscarriage of justice, and the ends of
2 justice served by granting this request outweigh the best interest of the public and the
3 defendants in a speedy trial.

4 6. The additional time requested by this stipulation is excludable in computing
5 the time within which indictment must be filed pursuant to the Speedy Trial Act, 18 U.S.C.
6 § 3161(b), and considering the factors under 18 U.S.C. § 3161(h)(7)(A) and (B)(i) and (iv).

7 THEREFORE, IT IS HEREBY ORDERED that the preliminary hearing in the
8 above-captioned matter currently scheduled for October 18, 2021, at 4:00 p.m. be vacated
9 and continued to November 15, 2021, at 4:00 p.m. Courtroom 3A.

10 DATED this ^{15th} _____ day of October, 2021.



HONORABLE DANIEL J. ALBREGTS
UNITED STATES MAGISTRATE JUDGE